



PATENT
450101-03040

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants : Yoichi Kobayashi, et al.
Serial No. : 10/031,282
Filed : February 12, 2002
For : VIDEO GAME SYSTEM AND SERVICE PROVIDER
SYSTEM
Examiner : Panos, Jeffrey C.
Art Unit : 3713
Confirmation No. : 6211

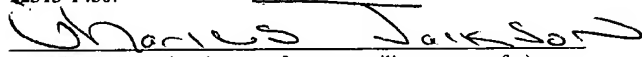
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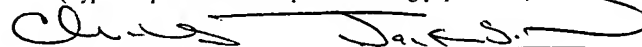
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PRE-APPEAL BRIEF REQUEST FOR REVIEW

Mail Stop Appeal Brief
Commissioner For Trademarks
P.O. Box 1451
Alexandria, VA 22313-1450

Sir:

Applicants request review of the Final Rejection dated March 30, 2006 in the above-captioned application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. Please consider the reasons stated herein.

REASONS FOR REQUEST

Claims 1, 2, 4-9 and 11-27 were rejected under 35 U.S.C. §103(a) as allegedly unpatentable over JP 2000-005439 to Nippon (hereinafter, merely “Nippon”) in view of U.S. Patent No. 6,443,840 to Von Kohorn (hereinafter, merely “Von Kohorn”).

Claim 1 recites, *inter alia*:

“A video game system...

...said service provider comprises database administration means for administrating privilege data base in which privilege information corresponding to a game stage of a video game and client data base in which client information of said video game is registered, and distribution control means for controlling of accepting access based on said client information from the video game device connected through said network, taking out privilege information corresponding to the cleared game stage by said database administration means, and distributing said privilege information,

wherein advertisement information is registered by said data base administration means, and said advertisement information is added to said privilege information and distributed by said distribution control means.” (emphasis added)

ARGUMENTS

The §103 Rejections Should be Withdrawn Because the Cited References Do Not Disclose Each and Every Element Recited in the Claims

As understood by Applicants, Nippon relates to a communications game system which issues a game continuing key card that stores game resume information. Despite interruption of a game being played, the game can be resumed from the hierarchical stage interrupted the last time, from any of a plurality of game terminal devices. While resuming an interrupted game, a game continuing key card with game resume information printed thereon is

inserted into the game continuing key card printing/reading means of any of the plurality of game terminal devices. The game resume information is read and printed in the form of two-dimensional codes on the game continuing key card.

As understood by Applicants, Von Kohorn relates to transmission by electronic media including radio and television broadcasting programs to listeners and viewers of the programs where the provision of signals designating questions or tasks including a wagering situation. Also, to the provision of response criteria for evaluating responses of the listeners and viewers.

It is respectfully submitted that the applied combination of Nippon and Von Kohorn does not teach the above-recited features of independent claim 1. Specifically, the Office Action concedes that “Nippon lacks in disclosing the advertising information registered and distributed.” (See Office Action page 3) Applicants respectfully disagree with the assertion that Von Kohorn provides the disclosure missing from Nippon.

The Office Action cites Column 24, lines 35-52 of Von Kohorn, which recites “...up-to-date promotional information printed on coupons directing the station which transmits instructional signals to remote locations to include in such signals the desired advertising material. A last-minute telephone call by an advertiser to the sub-carrier station with directives to incorporate certain instructional signals in the sub-carrier transmission will result in a large number of shoppers being alerted to ‘special sales’ through up-to-the-minute coupon promotions.”

Applicants submit that Nippon and Von Kohorn, taken alone or in combination, fail to teach or suggest the above features of claim 1. Specifically, Applicants respectfully submit that there is no teaching or suggestion of a video game system wherein advertisement

information is registered by said data base administration means, and said advertisement information is added to said privilege information and distributed by said distribution control means, as recited in claim 1.

Indeed, the combination of Nippon and Von Kohorn does not suggest advertisement information being registered in a data base and added to privilege information.

Therefore, Applicants submit that independent claim 1 is patentable.

For reasons similar to those described above with regard to independent claim 1, independent claims 6-8, 13, 15, 16, 19, 20, 23 and 25 are also believed to be patentable.

Therefore, Applicants submit that independent claims 1, 6-8, 13, 15, 16, 19, 20, 23 and 25 are patentable.

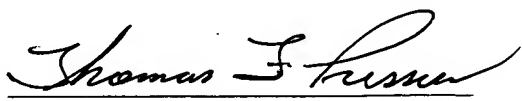
The other claims are each dependent from one of the independent claims discussed above and are therefore believed patentable for at least the above-identified reasons.

Applicants respectfully request early passage to issue of the present application.

Please charge any additional fees or credit any overpayment by reason of this request to Deposit Account No. 50-0320.

Respectfully submitted,

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